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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,893	12/08/2003	Teresa Diane		2114

7590 09/10/2004

Teresa D. or James D. Schell
235 S. 20th Street
Battle Creek, MI 49015

EXAMINER

ROYAL, PAUL

ART UNIT PAPER NUMBER

3611

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,893

Applicant(s)

DIANE

Examiner

Paul Royal

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

NOTE THIS LETTER SUPERCEDES THE DETAILED ACTION MAILED 8 July 2004 and the time for applicant's response begins as of the mailing date of this letter, not the previous letter.

1. For assistance in completing required forms and answering various questions, applicant is directed to utilize the Inventors Assistance Center (IAC), formerly the Patent Assistance Center (PAC) which provides patent information and services to the public. The IAC is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

SERVICES PROVIDED

Services The IAC Provides	Services The IAC Does Not Provide
<ul style="list-style-type: none">• Answer general questions regarding patent examining policy.• Direct your call to appropriate USPTO personnel, as necessary.• Assist you with filling out forms.• Provide you with general information concerning rules, procedures, and fees.• Send you patent information via mail or facsimile.	<ul style="list-style-type: none">• Answer questions concerning a particular patent application.• Give an opinion as to whether an invention is patentable.• Provide legal advice.

HOW TO CONTACT THE IAC

Telephone Numbers

800-PTO-9199

(800-786-9199)

703-308-HELP

(703-308-4357)

Hours of Operation

Monday - Friday

8:30 AM - 5:00 PM (EST)

The IAC will not be staffed during Government holidays. During those periods when the USPTO closes early (for example, due to weather conditions) the IAC will also cease operations.

Upon dialing either of the above telephone numbers, you will first reach an automated information system. Often, the information sought can be obtained without speaking to a IAC representative. If you do not find the necessary information using the automated information system, your call will be forwarded to a General Information Services (GIS) operator who can provide literature on patent topics, send you forms, and answer basic questions if this is all that is needed. The GIS operator will transfer calls to the IAC as necessary. Currently, the IAC handles approximately 320 calls per day. So that we may assist all of our customers, we ask that you limit your calls to a reasonable length of time. A review of the materials available by mail or on the USPTO Web Site prior to your call will make your questions more meaningful and should provide the IAC staff with a better opportunity to properly answer your questions.

Before you contact the IAC, you may find the answers to your questions in the information available below or on the USPTO Main Site (www.uspto.gov).

- **Frequently Asked Questions About Patents**
- **General Information Concerning Patents**
- **Guide to Filing a Utility Patent Application**
- **Guide to Filing a Design Patent Application**
- **Patent Fee Information**
- **Patent Forms**
- **Provisional Application for Patent**
- **Patent and Trademark Depository Libraries**
- **Inventors Resources**

Oath/Declaration

2. The Declaration was not executed in accordance with either 37 CFR 1.66 or 1.68.

Each inventor must complete a separate subsection and also the "Family Name or Surname" has been incorrectly complete because "Wolfe" was entered where it should be "Schell". Further, the inventor "Mullen" did not complete the "Family Name or Surname" box.

NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Giv n Name (first and middle (if any)) TERESA DIANE E JAMES DRURY SCHELL		Family Name or Surname WOLFE	
Inventor's Signature Teresa Diane Schell		Date 03 DEC 03	
R sidence: City BATTLE CREEK	State MI	Country USA	Citizenship US
Mailing Address 4095 S. MINNES RD.			
City BATTLE CREEK	State MI	ZIP 49015	Country USA
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Giv n Name (first and middle (if any)) JAMES L. MULLEN		Family Name or Surname	
Inventor's Signature James L Mullen		Date 03 DEC 03	
R sidence: City BELLVUE	State MI	Country USA	Citizenship US
Mailing Address 11800 W. DZ. NORTH			
City BELLVUE	State MI	ZIP 49021	Country USA

errors

3. Please note the addresses in the above boxes (when properly executed) will be used if this application becomes a patent, not the correspondence address (listed as "Teresa D. or James D. Schell"). The correspondence address is used for corresponding with the applicant, not for publication on any patent obtained.

Specification

4. Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."

- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Overall the specification is acceptable however note, specifically:

Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 5. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims do not clearly identify an embodiment of the invention but rather appear to describe features of the invention.

The Examiner has included patents which provide an example of the proper form for patent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gay et al. (US 5,209,509).

Gay et al. teaches an adjustable wheelchair footrest assembly.

Note, the claim limitations of applicant's invention are unclear and as best understood, applicant is claiming an adjustable footrest for a wheel chair.

7. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sickels (US 3,863,984).

Sickels. teaches a detachable wheelchair footrest assembly.

Note, the claim limitations of applicant's invention are unclear and as best understood, applicant is claiming a detachable footrest for a wheel chair.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zitone teaches arider support. Fenley teaches an adjustable

Art Unit: 3611

footrest. Foerster et al. teaches a footrest. Peek teaches a lower body support for a wheelchair. Fleigle teaches a footrest bracket. Gilibert et al. teaches a footrest.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 703-308-8570. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul Royal
Examiner
Art Unit 3611

P. Royal
August 31, 2004


LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600